

**AN ORDINANCE TO AMEND THE SOUTH WALNUT
STREET URBAN RENEWAL PLAN**

WHEREAS, the City of Wilmington is a Slum Clearance and Redevelopment Authority operating under the provisions of Title 31, Chapter 45 of the Delaware Code and may prepare and adopt an urban renewal plan, or modifications thereof, pursuant to the provisions of 31 Del. C., §4526 which is also set forth in 1 Wilm. C. (Rel. Laws) §2-246; and

WHEREAS, the City of Wilmington has adopted an urban renewal plan for the "South Walnut Street Urban Renewal Area" dated October 30, 1969, as revised on February 9, 1971, September 6, 1990, July 10, 2003 and August 23, 2007; and

WHEREAS, on April 9, 2009, the Delaware General Assembly passed Senate Bill 7, which limited the use of eminent domain to specifically defined public uses and effectively created a new standard for property acquisition through eminent domain; and

WHEREAS, the passage of Senate Bill 7 has prompted the City of Wilmington to review the impact of the legislation on its urban renewal process and to make changes to the South Walnut Street Urban Renewal Plan; and

WHEREAS, the City Planning Commission at its regular meeting held on June 16, 2009, reviewed and by its Resolution 9-09 recommended the adoption of certain revisions to the South Walnut Street Urban Renewal Plan; and

WHEREAS, the City Council will schedule a duly advertised Public Hearing, to be held on July 9, 2009, pursuant to the provisions of 31 Del. C. §4524, 1 Wilm. C. (Rel. Laws) §2-244, to consider the proposed modifications; and

#3192

Sponsor:

Council
Member
Shabazz

WHEREAS, the revised South Walnut Street Urban Renewal Plan is in conformance with the South Wilmington Comprehensive Development Plan and applicable state law; and

WHEREAS, the recommendations of the City Planning Commission, approved on June 16, 2009, as set forth in its Resolution 9-09, are hereby accepted and approved by the City Council.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. The Council of the City of Wilmington, as the governing body, hereby makes the following findings, 31 Del. C. §4525, Wilm. C. (Rel. Laws) §2-345:

1. A feasible method exists for the location of displaced families into decent, safe and sanitary housing. (See also requirements of the Delaware version of the Uniform Relocation Act.)
2. The plan conforms to the general plan of the City of Wilmington as a whole.
3. The plan gives due consideration to the provision of adequate park and recreation facilities that may be necessary for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the vicinity.
4. The plan will afford maximum opportunity, consistent with the sound needs of the City of Wilmington as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.
5. A shortage of housing of sound standards and design which is decent, safe and sanitary exists in the City of Wilmington.
6. The need for housing accommodations has been or will be increased by the clearance of slums or other areas.
7. Conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and constitute a menace to the public health, safety, morals or welfare.

8. The acquisition of properties in the area for residential uses is an integral part of and essential to the program of the City of Wilmington.

9. Non-residential uses are necessary and appropriate to facilitate the proper growth of the community in accordance with sound planning standards and local community objectives, which may require the exercise of governmental action as provided in this chapter because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of the municipality or community by streets and modern traffic requirements, or any combinations of such factors or other conditions which retard development of the area.

10. There are no parcels that have been identified for acquisition pursuant to the plan.

11. The plan amendments comply with the provisions of the Slum Clearance and Redevelopment Authority, (Title 31, State Code), which is codified as Title 2, Article IV, Division 2 of the Related Laws section of the Wilmington City Code

SECTION 2. The South Walnut Street Urban Renewal Plan is hereby amended by amending Section III., A., 2), b., Section IV., A., 3) and Section VII. by deleting the language within brackets and stricken and by adding the underlined language to read as follows:

III. Zoning

A. Current Zoning, Land Use Provisions and Building Requirements

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2) Plan Review

...

b. Provisions Applicable to All Other Land

All plans for new construction, exterior rehabilitation, demolition, or change in use of any building on any property in the South Walnut Street Urban Renewal Area shall be submitted to the Department of Licenses and Inspections, for referral to and review by the Department of Planning and Development. Upon a finding by the Department of Planning and

Development that the proposed plans are consistent with the objectives stated in Section I.B and the design guidelines found in Section III.C of this plan, the Commissioner of Licenses and Inspection shall authorize the processing of the proposed plans for issuance of the necessary permits(s). If the Department of Planning and Development finds that the proposed plans are inconsistent with the Plan, the Commissioner of Licenses and Inspection shall deny the issuance of a permit [~~and the Department of Planning and Development shall, within 90 days of such denial, recommend the acquisition for and on behalf of the City of whatever interest in the property is necessary to assure compliance with the provisions of this Plan. If the City does not authorize the acquisition within six months from the date the permit was denied, the Commissioner, without delay, shall issue the necessary permit(s)].~~ The provisions of this section are in addition to, and not in lieu of, all other applicable laws and ordinances.

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IV. Project Proposals

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A. Land Acquisition

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3) Land Acquisition Supplements

~~[a. Land Acquisition Supplements #1 and #2 indicate real properties that have been or are planned to be acquired as of the May 20, 2003 Plan update.~~

~~b. Land Acquisition Supplement #3 indicates real properties that have been included in the July 17, 2007 Plan update.~~

~~These Land Acquisition Supplements are located in Section VII.]~~

At this time, no properties have been identified to be acquired through the urban renewal process. This Urban Renewal Plan will be modified, if and when, properties are identified for possible acquisition through the urban renewal process.

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VII. Land Acquisition Supplements

~~[Land Acquisition Supplement #1 and #2~~

~~Land Acquisition Supplement #3]~~

None

SECTION 3. That the revised South Walnut Street Urban Renewal Plan is hereby approved and shall consist of the following:

- (a) The "South Walnut Street Urban Renewal Plan" text, as amended, dated October 30, 1969, revised February 9, 1971, revised September 6, 1990, revised July 10, 2003, revised August 23, 2007 and revised July 9, 2009; and
- (b) Appendix "A", Project Area Conditions
- (c) Appendix "B", Figure No. 1, Urban Renewal Area Boundary; and
- (d) Appendix "B", Figure No. 2, Existing Hydrology; and
- (e) Appendix "B", Figure No. 3, Existing Land Use; and
- (f) Appendix "B", Figure No. 4, Land Use Concept; and
- (g) Appendix "B", Figure No. 5, Proposed Street Changes; and
- (h) Appendix "B", Figure No. 6, Proposed Street Network; and
- (i) Appendix "B", Figure No. 7, Existing Zoning; and
- (j) Appendix "B", Figure No. 8, Proposed Zoning; and
- (k) Appendix "B", Figure No. 9, Sections - 1; and
- (l) Appendix "B", Figure No. 10, Sections - 2; and
- (m) Appendix "B", Figure No. 11, Proposed Open Space and Stormwater Management System; and
- (n) Appendix "B", Figure No. 12, Illustrative Site Plan; and
- (o) Appendix "B", Figure No. 13, Illustrative Aerial Perspective.

SECTION 4. That the South Walnut Street Urban Renewal Plan, as modified by this Ordinance, is hereby adopted and approved and the City Clerk is hereby

directed to file a copy of the revised South Walnut Street Urban Renewal Plan, a copy of which is attached hereto, in the permanent records of that office.


SECTION 5. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....June 18, 2009
Second Reading.....June 18, 2009
Third ReadingAugust 20, 2009

Passed by City Council, August 20, 2009



President of City Council 8/20/09

ATTEST: 


City Clerk

Approved as to form this 17
day of June, 2009



Senior Assistant City Solicitor

Approved this 21st day of
August, 2009



Mayor

SYNOPSIS: This Ordinance amends the South Walnut Street Urban Renewal Plan.